

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks

DOCKET NO CV 11-03570 LB	DATE FILED July 20, 2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay St., RM 400S, Oakland, CA 94612
PLAINTIFF TOYOTA MOTOR CORPORATION, ET AL		DEFENDANT EFFICIENT DRIVE TRAINS, INC., ET AL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,872,534		SEE ATTACHED
2 6,054,844		
3 6,116,363		
4 6,809,429		
5 6,847,189		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
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8 (Additional Counsel Listed Below)

9 *Attorneys for Plaintiffs*
10 *Toyota Motor Corporation*
11 *and Toyota Motor Sales, USA, Inc.*

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

LB

CV 11-03570

Case No.

15 TOYOTA MOTOR CORPORATION and
16 TOYOTA MOTOR SALES, USA, INC.

17 Plaintiffs,

18 v.

19 EFFICIENT DRIVETRAINS INC. and
20 THE REGENTS OF THE UNIVERSITY
21 OF CALIFORNIA,

22 Defendants

COMPLAINT FOR DECLARATORY
JUDGMENT

DEMAND FOR JURY TRIAL

23 Plaintiffs Toyota Motor Corporation and Toyota Motor Sales, USA, Inc. (collectively
24 "Toyota") by and through its undersigned attorneys allege, upon knowledge as to its own acts and
25 upon information and belief as to the acts of others, that:

26 NATURE OF THE ACTION

27 1. This is an action for a declaratory judgment of noninfringement and invalidity of
28 U.S. Patent Nos. 5,842,534 (the "'534 Patent'"), 6,054,844 (the "'844 Patent'"), 6,116,363 (the
"363 Patent"), 6,809,429 (the "'429 Patent'"), and 6,847,189 (the "'189 Patent'") (collectively, the
"Asserted Patents").

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1 correct copies of each of the Asserted Patents are attached hereto as Exhibits A through E.

2 12. EDI, through its counsel, and purportedly with authorization from UC, has written
3 to Toyota offering Toyota a license to the Asserted Patents. In subsequent discussions between
4 the parties, EDI has contended that the Toyota Hybrids infringe each of the Asserted Patents and
5 has indicated it intends to enforce each of the Asserted Patents against Toyota. Toyota denies that
6 it infringes any of the Asserted Patents and contends that the Asserted Patents are invalid. As a
7 result, an actual and justiciable controversy exists between Toyota, on one hand, and EDI and
8 UC, on the other, regarding the noninfringement and invalidity of the Asserted Patents.

9 **VENUE**

10 13. Venue is proper in this district under 28 U.S.C. § 1391(b)-(c). EDI conducts
11 business within this district and its principal place of business is within this district. UC conducts
12 business within this district and its principal place of business is within this district.

13 **INTRADISTRICT ASSIGNMENT**

14 14. This is an Intellectual Property Action. Pursuant to Civil Local Rule 3-2(c), the
15 action may be assigned on a district-wide basis.

16 **FIRST COUNT**

17 **DECLARATORY JUDGMENT OF NONINFRINGEMENT**

18 15. Toyota incorporates by reference the allegations of paragraphs 1 through 14 as if
19 fully set forth herein.

20 16. Toyota does not and has not directly infringed, contributed to the infringement of,
21 nor actively induced others to infringe, any claim of the Asserted Patents.

22 **SECOND COUNT**

23 **DECLARATORY JUDGMENT OF PATENT INVALIDITY**

24 17. Toyota incorporates by reference the allegations of paragraphs 1 through 16 as if
25 fully set forth herein.

26 18. Each of the claims of the Asserted Patents is invalid for failure to comply with one
27 or more of the conditions and requirements of the patent laws, including, but not limited to, 35
28 U.S.C. §§ 102, 103 and 112, and the rules, regulations and laws pertaining to those provisions.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Toyota respectfully requests that the Court enter judgment:

- 3 a. Declaring that Toyota has not infringed any claim of the Asserted Patents;
4 b. Declaring that each of the claims of the Asserted Patents is invalid;
5 c. Finding that, pursuant to 35 U.S.C. § 285 and/or other applicable laws, this is an
6 exceptional case and that Toyota be awarded costs of this action and its attorneys'
7 fees to the extent permitted by law; and
8 d. Granting such other and further relief as the Court deems just and proper.

9
10 Dated: July 20, 2011

KENYON & KENYON LLP

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12 By: 

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1 **JURY DEMAND**

2 Toyota Motor Corporation and Toyota Motor Sales, USA, Inc. demand a jury trial of all
3 issues so triable.
4

5 Dated: July 20, 2011

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